

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Original Jurisdiction

Dated: Nainital: the **9th day of** July 2002

Criminal Misc. Bail Application No.664 of 2002

Order on the Bail Application of the accused- Raju S/o Manful Singh, R/o Village Ahmedpur Grant, P.S.Jwalapur, district Haridwar.

CRIMINAL SIDE

Raju S/o Manful Singh, R/o Village Ahmedpur Grant, P.S.Jwalapur, district Haridwar.....Accused

Versus

State of Uttaranchal.

.....Opposite Party.

Arising out of Case Crime No. 207 of 2001

Under Section 452/302/324/323, I.P.C.,
Police Station- Jwalapur, district Haridwar

By the Court

Hon'ble Irshad Hussain, J.

Heard the learned counsel for the applicant and the learned A.G.A. and Sri S.P.S.Panwar for the complainant.

The accused applicant is the main assailant of the victim Subhash who was fatally assaulted by Gandasa. The incident has taken place in the night at about 3.30.No source of light has been mentioned in the F.I.R. The accused applicant is the first cousin of the victim and as such it could safely be said that a close relation could be correctly identified without light in an occurrence in which assault has been made with weapons also injuring another person. Attention was drawn to the post mortem report in support of the contention that the incised wounds no.2 and 3 were not caused by Gandas as the incised wounds have clean cut tailing end and these were only muscle deep. The purpose of the medical evidence is just to support the prosecution version and unless the medical evidence rules out the possibility of sustaining the injuries in the manner alleged the same does not have any adverse bearing on the prosecution case. Such is not a case here. In view thereof, it is not a fit case for bail. Rejected.

It is informed that the charges in the case were framed about eight months ago and therefore, the learned Sessions Judge is directed to expedite the disposal of the trial, preferably within a period of three months.

(Irshad Hussain, J.)

July 09, 2002.
M.P.S.